

Serial No.: 10/784,635 : **Examiner: Jasson H. Yoo**
Application of Stuart Neale et al. : **Group Art Unit: 3714**
Filed: February 23, 2004 : **Confirmation No. 8174**

APPLICANT INTERVIEW SUMMARY

Participants: Telephonic Interview on:

(1) Jasson H. Yoo (3) Mary Edwards January 7, 2009

(2) Dmitry Suhol (4) Robert Garrett

Claims discussed: pending claims 3-6, 12-13, 18-21, 23, 25-38, 39-46

Identification of prior art discussed: Descalzi

Applicant Submissions by Facsimile Prior to Interview

- (1) Applicant Initiated Interview Request Form PTOL-413A dated 12/30/2008.
- (2) An attachment entitled Attachment to Applicant Initiated Interview Request including: listing of pending claims with amendments
proposed dependent claims for discussion purposes
remarks addressing claim rejections

Summary of Substance of Interview

- (1) Discussion of 112 1st paragraph rejection

Applicant pointed to passages in the specification in which events, namely, pass, turnover and steal, are determined based on two consecutive possession inputs to show support for the claim limitation “interpreting said possession input from said user interface and determining an event based solely on said possession input” (Page 12, Lines 11-22, Page 12, Lines 23-26, Page 12, Lines 4-9, and a relevant portion of Fig. 8). Examiner Suhol indicated he was not in a position to make a decision on this rejection, and participants agreed that a follow up phone call would be made regarding this rejection.

- (2) Discussion of 102(b) rejection

Applicant pointed to the Examiner’s interpretation of the term “possession input” as “input related to the location of a ball,” and based on this interpretation states that keys indicating field goals, rebounds, turnovers, rebound, assists, steal are possession inputs. Applicant then pointed to the definition of the term “possession input” in claim 21a and throughout the specification as indicating the

player in possession of the primary object of play. At this point the discussion turned to claim language and prior art.

(3) Discussion of the prior art and the present invention

Participants discussed the Descalzi device as compared to the present invention. Examiner Suhol stated that the present invention differed from the reference, and claim language could likely be agreed upon to overcome the 102(b) rejection.

(4) Proposed claims

Applicant suggested turning to the proposed dependent claims 39-46 to discuss possible claim language. Examiner Suhol indicated that the Examiners did not have time to review these claims for the interview. Rather than trying to work out the language during the interview, he indicated that the follow up phone call would be a more appropriate time. He also indicated that Applicant should submit claim language options in a formal amendment for consideration.

Applicant brought up the problem of amending the claims prior to reaching some agreement with the Examiner regarding claim language. Once the application was under final rejection, Applicant would not be able to discuss claim language with the Examiner because of the art unit's policy of not conducting interviews after final rejections. Examiner Suhol stated that an interview after final rejection would be granted in this situation, if necessary.

(5) Possible 103 rejection

Examiner Suhol indicated that a 103 rejection may be made. Applicant offered to direct the Examiner to page and line numbers of a previous response to an office action including a 103 rejection when replying to the present office action.

Follow up Phone Call on 01/12/2009

Examiner Yoo called Applicant and indicated that the 112 rejection would be maintained regarding the limitation "solely on said possession input". The Examiners had not discussed any possible acceptable claim language, and Examiner Yoo could give Applicant no direction or suggestions as to claim language that might be agreeable to overcome the 102(b) rejection.

REMARKS

Applicant's attorney wishes to thank Examiners Suhol and Yoo for the courtesy of an interview and follow up call regarding the present application.

Applicant's attorney would like to briefly discuss the prosecution of this application. Applicant has received five (5) Office Actions discussing substantive claim rejections in this matter. Those five (5) Office Actions were signed by four (4) different Examiners. The first two actions were signed by SPE Xuan M. Thai, the next action was signed by PE Corbett Coburn, an Advisory Action was signed by SPE Robert E. Pezzuto, and the most recent action was signed by SPE Dmitry Suhol. Further, during prosecution of this application, Applicant has submitted multiple written and verbal requests for an interview to discuss the substance of the claim rejections, and for various reasons, the interview on January 7 is the first time such an interview could be conducted. These factors seem have caused this prosecution to become unnecessarily prolonged. Applicant's attorney respectfully requests that she be contacted during the Examiner's review of this amendment to help move this application forward.

This Amendment is being submitted in response to the Non-Final Office Action dated November 4, 2008 rejecting all of the pending claims. The application includes independent claims 21, 23, 25, 26, 33, and 37. Claims 3-6, 12, 13, and 18-20 depend from claim 21; Claims 27 -32 depend from claim 26; claims 34 - 36 depend from claim 33; and claim 38 depends from claim 37. Claims 21, 23 and 25 have been amended.

Rejection under 35 USC 112 1st paragraph

All of the claims stand rejected under 35 USC 112, first paragraph, as failing to comply with the written description requirement because the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

Specifically, claims 3-6, 12-13, 18-21, 23, 25, incorporate the limitation of, "interpreting said position (sic) [possession] input from said user interface and determining an event based solely on said possession input". Claims 26-36 are rejected "for similar reasons." Claims 26-32 incorporate the limitation of, "without other

identification of an associated event”, and claims 33-38 incorporate the limitation, “with no intervening input by a user of other user inputs”. (The Examiner’s assertion that “Applicant’s specification specifically discloses that the user can also enter game events (paragraph 10, 40-42)” and “applicant’s specification discloses associated events and intervening inputs may be inputted to determine an event (paragraphs 10, 40-42)” will be addressed in the comments regarding the 35 USC 112, 2^d paragraph rejection.)

Applicant’s attorney respectfully urges that support for these limitations can be found in the specification as illustrated with references to the specification indicated hereinbelow.

**Game Events Determined Solely From Possession Inputs
Include Pass, Steal and Turnover**

Page 12, Lines 11-22

When a player in possession of the ball is entered, the system can compare the team of the player that previously had the ball with the team of the player that currently has the ball as shown in block 200. If the newly selected player in possession of the ball is on the same team as the previous player in possession of the ball, the previous player is credited with a pass to the new player as shown in block 210. If the new player in possession with the ball is on the opposing team, however, the previous player is charged with a turnover and the new player is credited with a steal as shown in block 220. The system deduces the events pass, turnover and steal based on the input stream of players in possession of the ball.

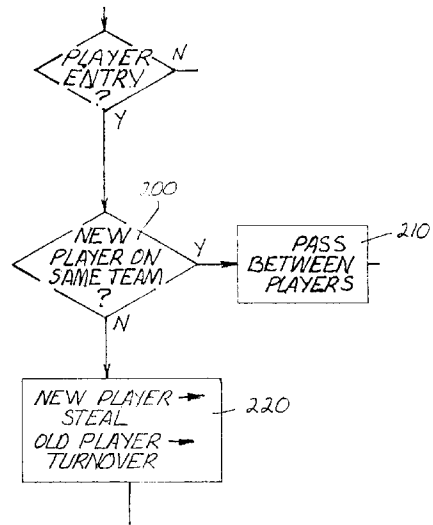
Page 12, Lines 23-26

Each time the user selects a new player, the Game Module 20 will deduce that the ball has been passed to or stolen by the new player based on the team affiliation of the previous player in possession of the ball as compared to the present player in possession of the ball.

Page 12, Lines 4-9

Each time a new player takes possession of the ball, the user selects the new player. The user may select players by typing jersey numbers using the key pad or by selecting the player’s name with a mouse, stylus or touch screen or by an audio indication. The Game Module 20 can translate the indications of possessions of the ball into events, such as a pass or a steal, in the game.

Fig. 8, the relevant portion reproduced to the right, is a flow diagram illustrating interpreting said possession input and determining an event, namely pass, steal, or turnover, based solely on said possession input, without other identification of an associated event, and with no intervening input by a user or other user inputs.



Specifically Fig. 8 shows the translation of successive entries of the player in possession of the ball into the game events pass, steal and turnover. At decision block 200, each new player entry is compared to the team affiliation of the previously entered player entry at block 200. If the new player entry is on the same team as the previous player entry, the system credits a pass between the players at block 210. If the new player entry is not on the same team as the previous player entry, the new player is credited with a steal and the old (previous) player is charged with a turnover at block 220.

As disclosed in the specification and illustrated in Fig. 8, the events pass, steal and turnover are interpreted or determined solely based on the inputs of the player in possession of the ball, without other identification of an associated event, and with no intervening input by a user or other user inputs. The events, pass, steal and turnover are determined based on the input stream of players in possession of the ball. For the foregoing reasons, the rejected claims are believed to have been described in the specification in such a way as to comply with 35 USC 112, first paragraph.

Rejection under 35 USC 112 2^d paragraph

Next the claims stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 3-6, 12-13, 18-21, 23, and 25,

incorporate the limitation of, “interpreting said possession input from said user interface and determining an event based solely on said possession input”. The Examiner states that “the claims also indicate that one or more types of event input related are received from the user interface”, and “The system cannot track an event based solely on said possession input if the system also receives event input to determine an event.”

Claims 26-32 incorporate the limitation of, “without other identification of an associated event”. Claims 34-35 and 37-38 incorporate the limitation of “with no intervening input by a user of other user inputs”. The Examiner states that “the claims also indicate that the system incorporates event inputs”, and “The system cannot track an event without other identification of an associated event if the system also receives event input to determine an event.”

Applicant’s attorney respectfully urges that the rejected claims particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As clearly indicated with regard to the rejection based on 35 USC 112, 1st paragraph comments above, which comments are herein incorporated by reference, the claimed invention determines events, namely, pass, steal and turnover, based solely on possession input and on possession input with no intervening input by a user of other events. However, Applicant does not indicate that *all* events are determined based solely on possession input or on possession input with no intervening input by a user of other user events. The Examiner’s reference to “paragraphs 10, 40-42” in his rejection based on 35 USC 112, 1st paragraph does not support this assertion when read in its entirety.

Page 4, Lines 23-25 (Examiner’s ref: paragraphs 10, 40-42)

In addition to the possession information, the user can enter, in real-time mode, game events that cannot be deduced from the ball possession information alone.

Further support for this can be found in the specification as illustrated with references to the specification indicated hereinbelow.

Page 13, Lines 1-4

In addition to selecting the player in possession of the ball, the user can indicate the occurrence of a Shot 300 or Whistle 310 as shown in FIG 9. The user indicates a shot has been made by selecting

Shot 300 or by selecting the position on the court graphic 120 from which the player shot

Page 14, Lines 1-4

Most of the other events that occur during the course of play in a basketball game are indicated by an official's whistle. When a whistle is blown, the user selects Whistle 310 and the Game Module 20 displays the Whistle Screen as shown in FIG. 11

In addition to events determined solely from possession input, some events are determined based on entry of the player in possession of the ball and a score attempt related input, i.e. shot, block, made basket, while still other events are determined based on entry of the player in possession of the ball and an officiating input, i.e. whistle, start of the period, violation, etc.

Game Events Determined From Possession and Score Attempt Inputs

Inbounding the Ball

Page 13 Lines 22-23 and Fig. 10B

After a score, the user indicates the inbound player, that player is credited with an inbound at block 390.

Page 15, Lines 2-6

If no free throws are required, the next player entered is credited with inbounding the ball as shown at block 560, and the user can continue to indicate the player in possession of the ball wherein the player in possession entries are translated into passes and turnovers as described in FIG. 8.

Page 15, Lines 10-12

After the last shot, the next player entered is credited with a rebound or with inbounding the ball as shown in block 610 (depending on whether the shot was made or missed).

Missed Shot and Rebound (Offensive or Defensive)

Page 13 Lines 8-10 and Fig. 10A

After a shot, if the next selection is a player, the Game Module 20 assumes the shot was missed, and the selected player with possession of the ball is credited with a rebound as shown in block 350.

Page 15, Lines 10-12

After the last shot, the next player entered is credited with a rebound or with inbounding the ball as shown in block 610 (depending on whether the shot was made or missed).

Blocked Shot and Recovery of Blocked Shot

Page 13 Lines 8-10 and Fig. 10A

If the shot was blocked, the user selects Block 200 and then selects the player who blocked the shot. The selected player is credited with the block in block 360, and the next player entered is credited with recovering the blocked shot as shown in block 365 (sic) [265].

Made Basket

Page 13 Lines 18-20 and Fig. 10A-10B

If the shot was successful, however, the user can select Made Basket 190 and accept or override the 2 or 3 Point 210 selection.

Game Events Determined From Possession and Officiating Inputs

Winning the Tip

Page 11 Lines 21-22 and Fig. 4

Once the player winning the tip is selected, the system credits the selected player for winning the tip at block 170 and waits for the next input.

Receiving (Recovering) the Tip

Page 11 Line 26 – Page 12 Line 2 and Fig. 4

Once the player receiving the tip is indicated, the system credits that player with receiving the ball at block 180, and the system waits for the next player entry.

Inbounding the Ball

Page 12 Lines 2-4 and Fig. 4

[T]he user could have selected the player inbounding the ball, and the system could have credited the player as inbounding the ball at block 190.

Players Leaving the Game After Substitution

Page 16 Lines 4-13

[B]ecause the system tracks players in possession of the ball, the user can allow the system to determine which players have been removed from the game. For example, if three substitute players were entered into the game without indication of the players leaving the game, eight player names and numbers would appear in the active player area 100, 110 on the side of the court graphic 120. The user can continue entering the player in possession of the ball information, along with any shot attempts or whistles. Once five of the eight players have had possession of the ball, the system can place the names and numbers of the three substituted players that have not touched the ball to the bench area 105, 115 of the display.

As disclosed in the specification and illustrated in Fig. 8, the events pass, steal and turnover are interpreted or determined solely based on the inputs of the player in possession of the ball, without other identification of an associated event, and with no intervening input by a user or other user inputs. However, Applicant does not indicate that *all* events are determined based solely on possession input or on possession input with no intervening input by a user or other user events. In addition to events determined solely from possession input, other events are determined based on possession and score attempt related inputs, while still other events are determined based on possession and officiating inputs. For the foregoing reasons and their support in the specification, the rejected claims are believed to have been described in the specification in such a way as to comply with 35 USC 112, second paragraph.

Some of the above noted remarks were discussed in an interview between Applicant's attorneys and the Examiners. As a result, the Examiner has maintained the 35 USC 112 rejection with regard to "solely on said possession input". Although Applicant maintains the position that the specification provides support for this claim limitation, Applicant has amended claims 21, 23, and 25 to remove "solely" in a effort to move the application forward.

Rejection under 35 USC 102(b)

All the independent claims, namely claims 21, 23, 25, 26, 33 and 37 stand rejected under 35 USC 102(b) as being anticipated by Descalzi US Pat. No. 6,148,242. Dependent claims 12-13, 18-19, 27-32, 34-36, and 38 are rejected under 35 USC 102(b) also. Addressing the rejections of the independent claims, Applicant amends claims 21, 23 and 25 and traverses the rejection of the independent claims on the grounds set forth below.

Stated simply, the present invention uses possession tracking, or recording the identity of the player in possession of the ball, to deduce game events. Descalzi, and other known systems use event tracking, or recording the event as it occurs as well as the players involved. Prior art systems input the actual event and the players involved. The present invention, in contrast, deduces game events based on possession inputs.

Turning to claim 21, that claim is directed to a system for real-time tracking and recording events of a sports contest with a primary object of play. The sports contest includes offensive and defensive competitive interaction between at least a first team and a second team in opposition therewith. The system includes at least one computer including a processor portion, and a user interface portion. The computer is interactively operable with a user under control of a computer program associated with the processor portion thereof. The system further requires a computerized database accessible through the computer program with the database including information therein indicative of recorded events of the sports contest. The computer program includes a game module for controlling entry of information by the user during the sports contest, and the game module is operable to interpret the information regarding sports contest activities selectably entered by the user. The computer is programmed for receiving from the user interface, one or more types of possession input related to a plurality of events of the sports contest, *said possession input indicating the player in possession of the primary object of play*. The computer is also programmed for interpreting the possession input from the user interface and determining an event based on the possession inputs. The computer is further programmed for receiving from the user interface, one or more types of event input related to a plurality of events of the sports contest and interpreting the event input from the user interface. The computer is further programmed for storing data

representative of the events based on possession input and the events based on event inputs in the database.

Applicant respectfully asserts that claim 21, as amended, includes elements not present in the Descalzi patent, and therefore, is not anticipated by that patent. In particular, Applicant asserts that the elements of claim 21b, interpreting said possession input from said user interface and determining an event based on said possession input, is not present, or even suggested by, Descalzi. At page 5, lines 3-4, the Examiner states, “The term ‘possession input’ is interpreted as input related to the location of a ball.” Based on the Examiner’s interpretation, he then states that keys indicating field goals, rebounds, turnovers, rebound, assists, steal indicate a player in possession of the ball, and are therefore possession inputs. However, Applicant has clearly defined the term “possession input” throughout the specification, and as stated in claim 21a, as *indicating the player in possession of the primary object of play*. Further, the Descalzi reference itself defines these input keys as “the keys of group 18 record ‘actions’ or game events such as field goals, rebounds, and turnovers” (col. 3, li. 57-58). In *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1324, 63 USPQ2d 1374 (Fed. Cir. 2002), the court stated:

The words used in the claims are interpreted in light of the intrinsic evidence of record, including the written description, the drawings, and the prosecution history, if in evidence. *Interactive Gift Express, Inc. v. Compuserve, Inc.*, 256 F.3d 1323, 1331, 59 USPQ2d 1401, 1407 (Fed. Cir. 2001). The intrinsic evidence may provide context and clarification about the meaning of claim terms. *York Prods., Inc. v. Cent. Tractor Farm & Family Ctr.*, 99 F.3d 1568, 1572, 40 USPQ2d 1619, 1622 (Fed. Cir. 1996). “Such intrinsic evidence is the most significant source of the legally operative meaning of disputed claim language.” *Vitronics*, 90 F.3d at 1582, 39 USPQ2d at 1576.

The Examiner’s interpretation of “possession input” is inconsistent with Applicant’s disclosure and the Descalzi reference. Applicant respectfully requests that the Examiner reconsider his interpretation of the term “possession input” to include the definition in Applicant’s specification.

When “possession input” is interpreted as defined by Applicant, claim 21, element b is in not present or even suggested in the Descalzi patent. For example, the Descalzi reference cannot interpret game events, namely pass, steal or turnover, based on possession inputs. The cited reference requires inputting possession inputs *and* pass,

steal, or turnover event inputs to determine a game event as seen in column 5, lines 8 – 11 of Descalzi:

Actions or statistics are recorded during a game by moving the cursor on the LCD to a player row using the arrow keys in the left vertical group 17, and pressing the applicable action key in vertical group 18.

Also, according to Fig. 1 of the reference, among the events directly entered from the keys of group 18 include turnover and steal. Descalzi does not seem to track or record passes between players of the same team at all. Because claim 21 is directed to a system that determines events based on possession inputs, or possession tracking, and the cited reference requires possession input and event input, or event tracking, to determine events, claim 21 is believed to be patentably distinguishable over Descalzi and allowable.

Claims 3-6, 12-13 and 18-20 depend from claim 21 and add additional distinguishing limitations, and therefore are also believed to be in condition for allowance.

Claims 23 and 25, as amended, further clarify the invention and are directed to a system and method, respectively, for tracking and recording events of a fast paced or timed sports contest in real-time. The sports contest includes a primary object of play and offensive and defensive competitive interaction between at least a first team and a second team in opposition therewith, and each team having at least one player. The system and method include at least one computer user interface including a processor portion, a display portion, and an information entry portion. The computer user interface is interactively operable with a user under control of a computer program. The system and method further include a computerized database accessible through the computer program and the computer user interface. The computer program includes a game module for translating a series of user inputs into a series of sports contest events.

According to amended claims 23 and 25, the computer user interface is operable in accordance with the game module for accepting from the user at least one entry representative of information related to a plurality of events of the sports contest. The at least one entry representative of information includes an officiating indication, a player in possession of the primary object of play, or an event. The system is operable for interactively responding to the at least one entry of the user and communicating therewith

to establish a particular event from a first set of events by deducing the particular event based on one entry or a series of entries representative of the player in possession of the primary object of play. A series of possession inputs results in deduction of a particular event from a first set of events, such as “pass”, “steal” or “turnover” by the system (Fig. 8). The Descalzi reference does not disclose establishing any event based on a single possession input or a series of possession inputs.

Applicant’s system can also establish a particular event from a second set of events by deducing the particular event based on at least one entry representative of the player in possession of the primary object of play and a different event. As an example, the second set of events can include assist, missed shot, rebound, inbounding the ball, recovery of a blocked shot. Then, the particular event “assist” is deduced based on a possession input prior to a different event “shot”, or the particular event “rebound” is deduced based on a possession input following a different event “shot” (Fig.10A). The Descalzi reference does not disclose establishing an event based on possession input and a different event input.

Applicant’s system can further establish a particular event from a third set of events by interactively eliciting and responding to additional entries representative of information related to the plurality of events from the user by displaying, for selection by the user, additional choices based on the at least one entry until the particular event is determined. Descalzi does not disclose, or even suggest, this capability. Applicant’s system can also establish a particular event from a fourth set of events by recognizing the at least one entry as the particular event. Finally, the system or method displays the particular event for verification by the user and stores the particular event in the database.

For the foregoing reasons and those stated in relation to amended claim 21, which are herein incorporated by reference, amended claims 23 and 25 are believed to be patentably distinguishable from the cited reference and in condition for allowance.

Turning now to claim 26 directed to a system for real-time tracking and recording during continuous play activity of fast-paced events in a team sports contest involving movement by cooperative actions of team members of a game object for the purpose of securing a team score by advancing the game object to or through a goal object. The system includes the automated determination and recordation of certain non-scoring

events that occur during the course of the team sports contest. The determination of the non-scoring events are based upon the input by a user of identification information of team members who effect movement of the game object, without the necessity for operator input specifically identifying the occurrence of such non-scoring events.

The system includes a computer including a processor portion and a user interface portion. It also includes a database, associated with and accessible by said computer, in which information regarding the team sports contest can be recorded, including information indicative of the game status of the team sports contest at given points in time. The computer is operable to enable and control interactive communication between the computer and a user during the course of the team sports contest. It is also responsive to user inputs at the user interface portion to update the information recorded in the database and the game status of the team sports contest. *The user inputs include the identification of specific events, including specific scoring events, as well as inputs during the course of the team sports contest providing identification information of team members effecting movement of the game object without other identification of an associated event.* The processor portion of the computer has a computer program associated therewith for controlling the operation of the computer. The computer program has a game module portion associated therewith including information specific for such team sports contest. The computer is operable in accordance with the game module portion *to associate with certain user inputs that provide identification information of team members who effect movement of the game object, under game status conditions at such times, particular non-scoring events.*

The computer is programmed to recognize, during continuous play activity, certain user *inputs selectably made by a user at the interface portion of the computer providing identification information of team members effecting movement of the game object, under certain game status conditions, as being associated with the occurrence of particular non-scoring events in the team sports contest.* The computer can establish the occurrences of such particular non-scoring events at such points in time during the course of the continuous play activity of the team sports contest and store within the database data representative of the occurrences of the established events at such points in time during the course of the continuous play activity of the team sports contest.

As a result, a user can effect, during the course of the continuous play activity of a fast-paced team sports contest, the tracking and recording of actions relative to the movement of a game object by and among the members of the teams and the possession and advancement towards a score of the game object by the teams without the necessity for separate, specific inputs by a user identifying all the separate, specific non-scoring events occurring.

In rejecting this claim, the Examiner states:

At Page 9, lines 15-17:

The term associated event is interpreted as events that are related to the game object. For example: 'gaming events' is related to an event to the game object and hence considered as 'an associated event'.

At Page 9, lines 17-21 and Page 11, lines 9-13:

Inputs that describe the movement of the ball can be entered without the input of other gaming events (cols. 3:52-64, 4:44-52). For example, the input of a rebound (col. 3:57) may be entered and recorded as a player makes a rebound, without the identifying that the player also attempted a shot (col. 3:58).

At Page 10, lines 9-11

user can input that provides information of team members who effect movement of the ball such as turnovers, rebounds, block steals, cols 3:52-64, 4:44-52.

At Page 10, lines 13-19

recognize during continuous play activity certain user inputs selectably made by a user at said interface portion of said computer providing identification information of team members effecting movement of the game object (recognize actions or game events of team members that effect movement of the ball, cols. 3:52-64, 4:44-52 discloses non-scoring events such as rebounds, turnovers, steals), under certain game status conditions, as being associated with the occurrence of particular non-scoring events in the team sports contest (cols. 3:52-64, 4:44-52 discloses non-scoring events such as rebounds, turnovers, steals),

It appears that the Examiner does not acknowledge the distinction between inputs providing the *identification of specific events* and inputs providing the *identification information of team members effecting movement of the game object without other identification of an associated event*. The Examiner seems to equate "inputs that describe

the movement of the ball” with “inputs providing identification information of team members effecting movement of the ball (player inputs). Clearly these two inputs are not the same. The former is an event and the latter is an individual. In the Examiner’s example, Descalzi requires a player input and a rebound event input to determine which player rebounded the ball. Applicant’s system, however, based on the game status condition, requires only a player input to determine which player rebounded the ball. For the foregoing reasons, claim 26 is believed to be patentably distinguishable from the cited reference and in condition for allowance.

Claims 27-32 depend from and further limit claim 26. Claims 27 and 28 appear to be rejected based on equating event inputs and individual player inputs as discussed hereinabove in relation to claim 26. With regard to claim 27, the Examiner states that, “No other intervening inputs other than the inputs that a first team member attempted a shot and a second team member obtains an offensive rebound are required.” However, that is a misstatement of the Descalzi device. The Descalzi device requires several intervening inputs after player input and shot event input to determine which player rebounded the ball. These intervening inputs appear to include at least player input, missed shot event input, and offensive rebound event input (see Fig. 1, keys 18). Similarly, claim 28 is rejected based on equating event inputs such as steal, block shots, defensive rebounds with player inputs. For the foregoing reasons, claims 27-32 are believed to be patentably distinguishable from the cited reference and in condition for allowance.

The Examiner rejects claims 33-35 for the same reasons as claims 26-28. Based on the foregoing reasons stated above, which are herein incorporated by reference, Applicant believes claims 33-35, and dependent claim 36 are patentably distinguishable from the cited reference and in condition for allowance.

The Examiner has rejected claim 37 for the same reasons as claims 21, 23, 25-28. Based on the foregoing reasons stated above, which are herein incorporated by reference, Applicant believes claim 37 and dependent claim 38 are patentably distinguishable from the cited reference and in condition for allowance.

During the interview of January 7, the Examiner indicated that an obviousness rejection may be made. As promised during that interview, Applicant's Attorney directs the Examiner to the Amendment submitted August 11, 2008 and its associated declarations, which amendment and declarations are herein incorporated by reference. An obviousness rejection was addressed beginning at page 19 and continuing through page 23.

With the above amendments to the claims, all the claims are believed to contain elements that patently distinguish them over the cited prior art. Specifically, Applicant believes independent claims 21, 23, 25, 26, 33 and 37 and the dependent claims thereof are now in condition for allowance. If the Examiner has any questions or comments, Applicant's attorney would appreciate a telephone call at the number indicated below.

Authorization is hereby provided to charge any underpayment of fees or any additional fees due with respect hereto to our Deposit Account No. 08-1280.

Respectfully submitted,

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